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Attorney for Defendant  
JORGE GOMEZ

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,	)	Case No.: CR 16-0382 HSG
	)	
Plaintiff,	)	<b>DEFENDANT GOMEZ'S SENTENCING</b>
vs.	)	<b>MEMORANDUM AND MOTION FOR</b>
	)	<b>RELEASE PENDING SELF-REPORTING</b>
JORGE GOMEZ, et. al.,	)	<b>TO BUREAU OF PRISONS</b>
	)	
Defendants.	)	Date: June 18, 2018
	)	Time: 2:00 p.m.
	)	Court: Hon. Haywood S. Gilliam, Jr.

**I. SENTENCING MEMORANDUM**

Defendant Jorge Gomez entered a guilty plea on February 12, 2018 to a charge of conspiracy to possess with intent to distribute marijuana in violation of 21 U.S.C. sections 846 and 841(a)(1)/(b)(1)(B), as charged in Count One of the Superseding Indictment. His guilty plea was made pursuant to Rule 11(c)(1)(C), and calls for a minimum mandatory sentence of 60 months in the Bureau of Prisons, and he was included a global disposition with several co-defendants.

1 As stated in the Final Presentence Report, Mr. Gomez has clearly accepted  
2 responsibility for his actions which bring him before this Court. *See* PSR at para. 45. He  
3 has also written a letter to the Court expressing his remorse for his participation in this  
4 criminal conduct.

5 Mr. Gomez respectfully requests that the Court accept the plea agreement and  
6 sentence him to the minimum mandatory term of 60 months. Additionally, the  
7 Presentence Report clearly indicates that Mr. Gomez has struggled with alcohol and  
8 drugs, which may have had an impact on his participation in the charged conspiracy. As  
9 a result, Mr. Gomez requests that the Court recommend that he participate in the RDAP  
10 program while incarcerated in the BOP as recommended by U.S. Probation. *See* PSR  
11 paras. 68-70.  
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13 Finally, because most of his family resides in Southern California, he requests  
14 placement in a BOP facility in Southern California (which has the RDAP program), if  
15 possible.  
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## 17 18 **II. MOTION FOR CONTINUED RELEASE AND VOLUNTARY** 19 **SURRENDER TO BUREAU OF PRISONS**

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21 Mr. Gomez brings this motion to grant release pending his designation to the  
22 Bureau of Prisons because “there are exceptional reasons why [his] detention would not  
23 be appropriate.” 18 U.S.C. section 3145(c). Defendant Gomez submits that the same  
24 factual basis and arguments exist for release pending designation to the Bureau of Prisons  
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1 as previously made prior to his change of plea, and Mr. Gomez incorporates those  
2 arguments herein. *See* Docket No. 436.

3 The Court previously granted the Motion Against Remand on February 12, 2018.  
4 *See* Docket No. 441. The Court commented at the hearing that Mr. Gomez's inclusion in  
5 the global disposition with several co-defendants was an additional factor in allowing his  
6 release pending sentencing. Mr. Gomez submits that this same strong incentive to report  
7 to the Bureau of Prisons continues to exist. As noted in the PSR, Mr. Gomez, since his  
8 change of plea over four months ago, has continued to abide by all conditions of his  
9 pretrial release and is still gainfully employed.  
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12  
13 DATED: June 11, 2018

Respectfully submitted,

14  
15 /s/ Jai M. Gohe  
16 JAI M. GOHEL  
17 Attorney for Defendant  
18 JORGE GOMEZ  
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